

HOUSE BILL 3273  
By Stulce

AN ACT to amend Chapter 6 of the Private Acts of 1941, as amended by Chapter 37 of the Private Acts of 1943, Chapter 475 of the Private Acts of 1949, Chapter 119 of the Private Acts of 1951, Chapter 25 of the Private Acts of 1953, Chapter 257 of the Private Acts of 1955, Chapter 394 of the Private Acts of 1957, Chapter 159 of the Private Acts of 1967, Chapter 135 of the Private Acts of 1971, Chapter 176 of the Private Acts of 1984, Chapter 14 of the Private Acts of 1985, Chapter 106 of the Private Acts of 1987, and any other acts amendatory thereto, relative to the General Sessions Court of Hamilton County.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 6 of the Private Acts of 1941, as amended by Chapter 37 of the Private Acts of 1943, Chapter 475 of the Private Acts of 1949, Chapter 119 of the Private Acts of 1951, Chapter 25 of the Private Acts of 1953, Chapter 257 of the Private Acts of 1955, Chapter 394 of the Private Acts of 1957, Chapter 159 of the Private Acts of 1967, Chapter 135 of the Private Acts of 1971, Chapter 176 of the Private Acts of 1984, Chapter 14 of the Private Acts of 1985, Chapter 106 of the Private Acts of 1987, and all other acts amendatory thereto is further amended by designating the present language of Section 1 as subsection (a) and by adding the following new subsections:

(b) Effective September 1, 1996, there is hereby created Division IV and Division V of the General Sessions Court of Hamilton County. Judges to fill such new divisions shall be appointed by the county commission of Hamilton County by September 1, 1996.

(c) Persons initially appointed to the position of general sessions court judge for each of the new divisions created by subsection (b) shall serve until September 1, 1998, or until their successors are elected and qualified. At the regular August election in 1998 and every eight (8) years thereafter, the qualified voters of Hamilton County shall elect a person to serve as judge of Division IV and Division V for a full eight (8) year term. Such elections shall be nonpartisan. Candidates for the position of judge of such new divisions shall qualify for a specific division as provided in Section 13, as amended. The winning candidate for each new division shall also be determined in the manner set out in Section 13, as amended, and all candidates shall possess the same qualifications as required by Section 11, as amended, for the judges of the three (3) present divisions. A vacancy in the office of judge of Division IV or Division V shall be filled for the unexpired term as provided by general law.

(d) The judges of Divisions IV and V of the general sessions court of Hamilton County shall have the same powers, duties, responsibilities, jurisdiction, authority, and shall be paid the same compensation in the same manner and with the same restrictions as the judges of the three (3) present divisions of general sessions court. Supplies, courtrooms, furnishings and other necessary equipment shall be furnished the judges of such new divisions in the manner provided by subsection (a) of this section.

SECTION 2. Chapter 6 of the Private Acts of 1941, as amended, is further amended by deleting from the first sentence of Section 15 the word "three" and substituting instead the word "five".

SECTION 3. This act shall have no effect unless it is approved by a majority of the number of qualified voters of Hamilton County voting in an election on the question of whether or not the act should be approved. The ballots used in the regular August election to be held on August 1, 1996, shall have printed on them the substance of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state

as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it. Provided, however, the ratification procedure established by this act shall not be utilized if the Hamilton County legislative body has approved by a two-thirds (2/3) vote by May 16, 1996, the provisions of either Private Chapter \_\_\_\_ Senate Bill \_\_\_\_ / House Bill \_\_\_\_ or Private Chapter \_\_\_\_ Senate Bill \_\_\_\_ / House Bill \_\_\_\_\_. For all other purposes, the provisions of the act shall be effective only upon being approved as provided in Section 3.